IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 9470 of 2004(B)

PETITIONER:

AJAYAN. K.G., KUTTIVILAYIL,
ULAVUKKADU, NOORANADU P.O., NOW WORKING AS
HSST (ENGLISH), (BY TRANSFER), PADANILAM
HIGHER SECONDARY SCHOOL, NOORANADU, ALAPPUZHA.

BY ADV. SRI.BENOY THOMAS

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **DIRECTOR OF HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.**

3. **MANAGER, PADANILAM HIGHER SECONDARY SCHOOL, NOORANADU, ALAPPUZHA.**

4. **REKHA RADHAKRISHNAN, NOW WORKING AS UPSA, PADANILAM HIGHER SECONDARY SCHOOL, NOORANADU, ALAPPUZHA.**

BY ADV. SRI.K.K.RAVINDRANATH - R4
SRI.PAULSON THOMAS - R3
GOVERNMENT PLEADER SMT.M.R.SREELATHA- R1, R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.9470/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTIFICATION ISSUE BY THE MANAGER DT.2.6.03.

EXT.P1(a):- COPY OF THE LETTER ISSUED BY THE MANAGER TO THE PRINCIPAL OF THE 3RD RESPONDENT SCHOOL, DT.2.6.03.

EXT.P1(b):- COPY OF THE LETTER ISSUED BY THE PRINCIPAL TO MANAGER OF THE 3RD RESPONDENT SCHOOL DT.2.6.03.

EXT.P2:- COPY OF THE LETTER SENT BY THE PETITIONER TO THE MANAGER OF THE 3RD RESPONDENT SCHOOL DT.7.6.03.

EXT.P2(a):- COPY OF THE CALL LETTER SENT BY THE MANAGER OF THE SCHOOL TO THE PETITIONER INTIMATING THE DATE OF INTERVIEW DT.1.7.03.

EXT.P3 SERIES :- COPY OF THE STAFF SELECTION REPORT DT.2.7.03 AND THE APPOINTMENT ORDER OF THE PETITIONER DT. 5.7.03.

EXT.P4 SERIES :- CERTIFICATES RELATING TO THE QUALIFICATIONS OF THE PETITIONER NAMELY M.A.DEGREE(ENG.), EQUIVALENCY CERTIFICATE DEGREE CERTIFICATE, CERTIFICATE OF SET.

EXT.P5:- COPY OF THE JUDGMENT PASSED BY THIS HONOURABLE COURT DT.10.7.03 IN WP(C) NO.21984/03.

EXT.P6:- COPY OF THE ORDER PASSED BY THE DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION DT.27.1.04.

EXT.P7:- COPY OF THE APPROVAL ORDER OF TEACHERS APPOINTMENT BY TRANSFER DT.2.7.02 ISSUED BY THE 2ND RESPONDENT

EXT.P7(a):- COPY OF THE APPROVAL ORDER OF TEACHERS APPOINTED BY TRANSFER DT.27.10.05 ISSUED BY THE 2ND RESPONDENT.

EXT.P8:- COPY OF THE APPOINTMENT CUM APPROVAL ORDER OF STM.P.LEKHA AS UPSA DT.19.10.2000 ISSUED BY THE D.E.O.

EXT.P8(a):- COPY OF THE PROCEEDINGS OF THE OFFICE OF THE D.E.O DT.29.9.04.

EXT.P9:- COPY OF THE G.O.(MS) NO.199/03/G.EDN. DT.24.7.03 ISSUED BY THE 1ST RESPONDENT.

EXT.P10:- COPY OF THE APPROVAL PROCEEDINGS OF STM.P.LEKHA APPROVING HER AS HSST (MATHS) ISSUED BY THE DIRECTOR OF HIGHER SECONDARY EDUCATION DT. 27.10.05.

/TRUE COPY/

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K. M. JOSEPH, J.

W.P.C. NO. 9470 OF 2004 B

Dated this the 28th March, 2007

JUDGMENT

Ext.P6 is under challenge. This was passed apparently pursuant to Ext.P5 Judgment. Petitioner was the fifth respondent therein. This Court permitted the petitioner therein to file a representation and the matter was to be considered by second respondent therein, namely the Director of Higher Secondary Education. The Director has proceeded to pass Ext.P6 order. By P6, the representation of the fourth respondent herein, who was the petitioner therein, was allowed and the petitioner herein was directed to be reverted and in his place, the fourth respondent was directed to be appointed.

2. Heard the learned counsel appearing for the parties. One of the contentions taken is that the petitioner was not heard before Ext.P6 was passed and it affects the petitioner. There is no dispute that the petitioner was not heard before Ext.P6 was passed. No doubt, going by the direction contained in Ext.P5, it

would appear that the direction was to hear the third and fourth respondents therein, who are the Manager and the DEO respectively. But, even then, the fact remains that Ext.P6 is an order by which adverse civil consequences are there for the petitioner, in so far as the petitioner was directed to be reverted. In such circumstances, Ext.P6 is quashed on the ground that the petitioner was not heard. The second respondent will reconsider the matter in accordance with law, after hearing the petitioner and respondents 3 and 4, within a period of two months from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

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